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VIA CM/ECF E-FILEING AND HAND DELIVERY

The Honorable Richard G. Andrews
United States District Court
844 North King Street
Unit 9, Room 6325
Wilmington, DE 19801

REDACTED
PUBLIC VERSION

Re: TQ Delta, LLC Case Nos. C.A. 13-1835-RGA, -1836-RGA, & -2013-RGA

Dear Judge Andrews:

I write on behalf of nonparty Broadcom Corporation ("Broadcom") to submit the materials discussed at the discovery conference on August 27, 2015. I attach a declaration from Broadcom employee Suzanne Chapman and, as exhibits to that declaration, copies of nondisclosure agreements with each of the defendants.

When reviewing those agreements, please note the following:

- Section 1 of each agreement provides that Broadcom "[REDACTED]"
- Section 2 of each agreement [REDACTED]
- Although Section 4 [REDACTED], but is instead information that TQ Delta is explicitly asking the defendants to obtain for the first time.
- Section 12 of each agreement makes explicit that: "[REDACTED]"
- Section 10 further gives Broadcom the right [REDACTED]

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The Honorable Richard G. Andrews
September 10, 2015
Page 2

- Each Annex identifies confidential information [REDACTED].
- With respect to the Pace agreement specifically, the agreement expressly extends to and binds [REDACTED]

Additionally, Ms. Chapman's declaration substantiates the points made in Broadcom's prior letter submission, including by describing the steps that Broadcom takes to maintain the confidentiality of its docSAFE materials and the fact that Broadcom can cut off a customer's docSAFE access at any time and for any reason. See Chapman Decl., at ¶¶ 2-7.

TQ Delta is unable to sustain its burden, whether through the Broadcom customer nondisclosure agreements or otherwise, of establishing that the defendants have any legal right to obtain Broadcom's confidential technical documents on demand, which is the relevant test. Broadcom requests that TQ Delta's motions to compel be denied.

Respectfully,

/s/ Christine D. Haynes

Christine D. Haynes (#4697)

/kdm

cc: Counsel of Record (via CM/ECF)